

1 (Thereupon, Defendant's Exhibit 18 and 19
2 were marked for identification by the court
3 reporter.)

4 Thereupon:

5 DONALD JONES

6 was called as a witness and, having been first
7 duly sworn, was examined and testified as follows:

8 BY MS. ROBINSON:

9 Q. Could you state your name?

10 A. Donald Jones.

11 Q. And your address?

12 A. I live at 8240 Southwest 184th Lane. My
13 business address is University of Miami, School of
14 Law, 1311 Miller Drive, Coral Gables, Florida.

15 MS. ROBINSON: Thank you.

16 CROSS EXAMINATION

17 BY MR. MULLIN:

18 Q. Mr. Jones, we've had marked for
19 identification Trinity Exhibit 18, the notice of
20 deposition, that was received by you, is that
21 correct?

22 A. That's correct.

23 Q. From whom did you get it?

24 A. My best recollection would be that I
25 received this from a Mr. David Honig.

1 Q. And I call your attention to Trinity
2 Exhibit 19 which is a subpoena attached to which is
3 your Declaration. Did you also receive that from
4 Mr. Honig?

5 A. I would have to say to the best of my
6 recollection, I did. Although, I do not have a copy
7 in my possession.

8 Q. Would you look at Exhibit A or attachment A
9 to the subpoena which identifies or describes certain
10 documents and direct your attention to paragraphs
11 one, two and three up at the top of the page.

12 Would you just read those over to yourself
13 and then I'm going to ask you if you --

14 A. I've read them.

15 Q. Have you provided all the documents that
16 are described therein or in the scope of that
17 paragraph?

18 A. I have in my possession, and all I can give
19 you is in my possession, a very limited number of
20 documents related to this litigation and I'll be
21 happy to provide you with those, although I don't
22 know if they'll be of much help.

23 Q. Tell me what they are.

24 A. I did make a file of the Declaration that I
25 gave. I did retain a copy of the notice of

1 deposition. There were a number of other documents
2 which were sent to me earlier.

3 At that point, I was not aware that I was
4 even being considered as a witness by either side and
5 I did not think to make a formal record of the
6 information which was sent.

7 Q. I'm going to show you --

8 A. I must say I am quite surprised that I have
9 been noticed for deposition.

10 Q. I want to call your attention to what we
11 call here Trinity Exhibit 5 and I ask you if that was
12 one of the documents to which you refer in your last
13 answer?

14 A. Okay. I recall seeing this and reading
15 this.

16 Q. Do you recall a conversation with a
17 Mr. Tyrone Shanks?

18 A. I recall several conversations with
19 Mr. Tyrone Shanks.

20 Q. Let's go back to the first time you talked
21 to Mr. Shanks. Did you call him or did he call you?

22 A. He called me.

23 Q. What did he tell you in that conversation?

24 A. He told me that he was working with David
25 Honig. That he was a law student at the time. That

1 A. I would have faxed it to Mr. Honig or
2 his - or Mr. Shanks.

3 Q. Are you saying you do not have a copy?

4 A. Not in my possession at this time.

5 Q. Is it your best recollection that you typed
6 something and faxed it either to Honig or to Shanks?

7 A. Yes, that's correct.

8 Q. And is it your best recollection of what
9 you sent consisted of your responses to the questions
10 listed there?

11 A. Yes, sir, most certainly so.

12 Q. Was it a lengthy document?

13 A. No. I'm sure it would have fit on one or
14 two pieces of paper at most.

15 Q. Can I borrow back Exhibit 5 for a moment?
16 One of the questions asked there and one of the
17 questions I want to ask now is how long you've been a
18 resident of Dade County. Exhibit 19 says you've been
19 a resident of Dade County for four years. Can you be
20 more precise as to when you moved into Dade County?

21 A. Well, actually it understates my time here.
22 I began my residency in Dade County in August of
23 1988.

24 Q. August of '88?

25 A. August of 1988. And I've always -- at

1 he was working there for the summer. That he was in
2 charge of a number of cases including working on a
3 number of cases including one involving a television
4 station. That there was a survey and the survey was
5 important to the work he was doing and he asked me if
6 I would be kind enough to fill out the survey and
7 that is how he referred to it, as a survey. I told
8 him I would be happy to.

9 I'm familiar with the important work that
10 in David Honig does and the fact that whatever we do
11 in the realm of broadcasting will have an impact on
12 the community, particularly the minority community,
13 so I said that I would be happy to, in fact, fill out
14 the survey.

15 Q. Now, would you look at Exhibit 5 again, the
16 last page, the questionnaire, is that the survey to
17 which you refer?

18 A. Okay. Let me take a look at that so
19 that -- this is at least the next - some of the text
20 that I've seen. I can't testify to its completeness.

21 Q. Did you actually fill out a survey?

22 A. Well, I don't think I actually filled out a
23 survey. What I did was I typed on a piece of paper
24 my responses to the questions that I read here.

25 Q. Do you have a copy of what you typed?

1 least in September of 1988 I've lived at the same
2 address, but I've always since 1988 lived in Dade
3 County.

4 Q. Been a resident continuously since 1988?

5 A. Yes, I have.

6 Q. You have been throughout that period of
7 time associated with the University of Miami School
8 of Law?

9 A. That would be correct.

10 Q. Do you teach first, second, third year
11 students, what?

12 A. I think all those statements would be true.
13 There is no division of the teaching faculty into
14 different years. I mean, each teacher can teach
15 anywhere from - anywhere within the JD program.

16 Q. Do you also practice law?

17 A. I try to avoid practicing law. Any legal
18 work I would do would be limited to pro bono
19 assistance or consulting.

20 Q. In Paragraph 2 of your statement you stated
21 that you have watched Channel 45 approximately two to
22 three hours a week. I want to go back to the
23 calendar year 1991 and I'm going to work backwards.

24 A. Be my guest.

25 Q. In 1991, how much viewing of Channel 45 did

1 you do?

2 A. In 1991, it would be hard to estimate and,
3 you know, you have to understand when one watches TV
4 one does not necessarily connect this with a
5 proceeding.

6 I would say that I must have watched
7 it - at least in 1991, I suppose at least at minimum
8 an hour a month, if not an hour a week, but I'm not
9 sure.

10 Q. Any particular day that you watched?

11 A. Well, I'm an avid consumer of television
12 and so it's entirely possible that on any given day
13 that I would turn on the tube. I don't have regular
14 hours. I don't have to report to work at 9:00 and I
15 don't leave at 5:00, so if I happen to be around the
16 house, the TV remote control is often in my hand.

17 Q. Is the answer you've just given also
18 applicable, I'm going to try a multiple question now,
19 to 1989, '88 also?

20 A. I would say so. I mean, I just can't be as
21 specific as I would like to about the specific days
22 and specific times.

23 Q. Unfortunately, we need to focus on a
24 particular time frame in this proceeding and in your
25 case, that time frame is going to begin in September

1 of 1988 and end the end of 1991.

2 A. Well, I mean, I don't claim to be an expert
3 on the content of what is there. I'm not a
4 professional watcher. I don't sort of take surveys
5 of what's on television.

6 Q. Do you recall any particular programs on
7 Channel 45 that you may have seen in those years,
8 from '88 through '91?

9 A. I mean, it seems to be that what you have
10 is a religious station. The specific programs I
11 would have to say I'm not terribly familiar with for
12 those years.

13 Q. Did you observe during the time you were
14 watching the stations that some of the program hosts
15 were African American?

16 A. I would say yes.

17 Q. Some were female?

18 A. I would say sure.

19 Q. Do you know if any of them was a Hispanic
20 person?

21 A. I don't know. It's hard for me to
22 determine.

23 Q. Do you recall any particular topic that you
24 heard or saw discussed on Channel 45 while you were
25 watching it?

1 A. I know generally the subject matter of
2 different religious denominations. I'm trying to
3 think. I think there were one or two instances in
4 which community issues came up. Generally, I'm going
5 to have to say I don't recall very specifically or
6 precisely.

7 Q. Would you tell me what courses you teach at
8 the law school?

9 A. That's an easy question.

10 Q. Okay.

11 A. At the present time I'm teaching criminal
12 procedure. Throughout the year I usually teach four
13 courses. One is constitutional law, another is
14 criminal procedure, another is employment
15 discrimination and I also teach in -- we do offer
16 independent studies and there are a number of
17 students that seem to want to do independent studies
18 with me, so that is also an offering four credit, but
19 it's not a course in which a particular number of
20 students necessarily enroll.

21 Q. Is the law school at the main campus in
22 Coral Gables?

23 A. Yes, it is.

24 Q. You tell us that you were a candidate for
25 congress in Florida's District 17. Would you

1 describe briefly the confines of District 17?

2 A. District 17 is a large district running
3 from the northern part of Dade County to the southern
4 part of Dade County. I suppose it looks something
5 like that action. It includes Coral City, much of
6 Coral City includes Overtown, Liberty City, includes
7 Richmond Heights, Cutler Ridge and goes down to
8 Homestead. Much of it runs along -- The spine of
9 it -- Much of it is US 1, so it is a very large
10 territory covering the regular number of people. It
11 was part of the redistricting plan which emerged in
12 the aftermath of the 1990 census.

13 Q. You mentioned Overtown and I notice on the
14 last line of Page 1 of your Declaration you refer to
15 the parade through Overtown. Your point there is --
16 Let me read you the sentence.

17 A. Sure.

18 Q. While there was a PSA about Martin Luther
19 King, panel discussions and the conversation of the
20 parade through Overtown were absent. When was the
21 parade through Overtown you were referring?

22 A. That would have been April 4, I believe.

23 Q. Of this year?

24 A. Of this year, yes. No, I take that back.
25 That was not April 4, it was January 19.

1 Q. January 19?

2 A. Excuse me. Those two dates often get
3 transposed in my mind.

4 Q. Yes, I understand. The parade to which you
5 refer then was on January 19, 1993?

6 A. That's right.

7 Q. What is the basis for your statement that
8 there was a PSA about Martin Luther King? How do you
9 know that?

10 A. I don't know it. I just know that the
11 survey that I received which included some
12 information about Channel 45 and what it said that it
13 did and the coverage it said that it had included
14 that.

15 Q. That was something you received from whom,
16 Mr. Honig?

17 A. David Honig. So I don't want to suggest
18 that I know that by personal knowledge, but in other
19 words, if the statement does contend that it did
20 that, then I accept that as true. But my only
21 concern is that there were incidents in which I was
22 involved and which there were important committee
23 events and I did not see the channel representing.

24 Q. I want to be as specific about this as we
25 can be. Am I correct, let's put it that way, in

1 understanding that you received a statement from
2 Mr. Honig?

3 A. Yes.

4 Q. Which indicated that there was a PSA about
5 Martin Luther King?

6 A. Yes, that's correct.

7 Q. Do you still have the material that you
8 received from Mr. Honig?

9 A. No. But as I recall, it was material which
10 had a number of cc's at the bottom.

11 Q. A number of cc's?

12 A. Carbon copies is what I think the acronym
13 stands for. So, it was a survey that I assume was
14 sent to a number of people and the informational
15 survey contained statements purportedly from the
16 channel listing programming that it felt addressed
17 the concerns of the black community.

18 Q. And are you very sure that it referred,
19 this particular document, to a PSA?

20 A. Well, I'm not sure PSA was the right term
21 but to some programming referring, yes. If PSA is
22 not the precise term, I don't want to stand on that.

23 Q. I think just so the record is
24 comprehensible, I'm going to have marked as Trinity
25 Exhibit 20 - Let's have it marked and then I'll

1 describe it.

2 (Thereupon, the above-referred to document
3 was marked as Trinity Exhibit 20 for
4 identification by the court reporter.)

5 Q. (By Mr. Mullin) I'm going to show you,
6 Mr. Jones, Trinity Exhibit 20, Illustrative
7 Programming of Channel 45, "Discrimination/Ethnic and
8 Minority Group Immigration" and I will ask you is
9 that the survey that you received?

10 A. Yes. This was attached to the survey, yes.

11 Q. It was attached to the survey. Well, now
12 describe the survey. I really need to know what you
13 have in mind when you say the survey because I don't
14 know.

15 A. Okay. Well, let's see, you have - I think
16 you originally handed me a document --

17 Q. Are you referring to what we're calling
18 Trinity Exhibit 5?

19 A. Let's see, yes. What you're talking --
20 What I'm talking about with the survey was a document
21 which included this page, the last page of Trinity
22 Exhibit 5 which came in a packet with what you are
23 referring to as Trinity Exhibit 20.

24 Q. Anything else in the packet?

25 A. Not that I recall, no. A cover letter,

1 yes.

2 Q. What's that?

3 A. A cover letter.

4 Q. What did the cover letter say?

5 A. Enclosed please find some documents,
6 something to that effect, that I would like you to
7 review, and in other words, I received a call from
8 Tyrone Shanks I would get some documents to help me
9 to complete a survey. These were the documents that
10 I recall being in there.

11 Q. And have you now described, to the best of
12 your recollection, everything that was in the packet?

13 A. Yeah.

14 Q. That was everything concerning Channel 45
15 that you had in front of you when you executed your
16 Declaration on August 10, is that right?

17 A. Well, I suppose -- That's fair. That's a
18 fair statement.

19 Q. Would you look at the Declaration which is
20 Exhibit 19. From whom did you receive that document?

21 A. You're talking about Trinity Exhibit 20?

22 Q. No, I'm talking about 19, the Declaration
23 of --

24 A. I believe I received it from David Honig.

25 Q. Did you write it and send it to him and he

1 sent it back to you or did it come some other way?

2 A. Let's see, I faxed him some information.
3 He faxed me back some information and that - and this
4 was simply - this was his language. This was his
5 wording. I did not choose the words. The substance
6 I agreed with, so I signed it.

7 Q. Where was it typed, his office or yours?

8 A. Must have been typed at his office, so I
9 did not type it.

10 Q. In Paragraph 3 of the second page of your
11 Declaration --

12 A. I'm looking at it.

13 Q. -- the last substantive paragraph in the
14 third sentence you say that you have sent notices to
15 Channel 45 about several fund raisers you held.

16 A. Yeah.

17 Q. When was that done, sir?

18 A. Oh, this was when I was running for
19 congress.

20 Q. Which was in --

21 A. From May to September of 1992.

22 Q. You also state in that same sentence that
23 you sent notices to Channel 45 about several debates
24 in which you were involved. Were they also debates
25 associated with the campaign?

1 A. Yes, very much so.

2 MR. MULLIN: That is all I have.

3 Thank you very much, Mr. Jones.

4 MS. ROBINSON: I would like to check on the
5 resume.

6 (Thereupon, a short recess was taken,
7 after which the proceedings continued.)

8 REDIRECT EXAMINATION

9 BY MS. ROBINSON:

10 Q. Mr. Jones, could you please describe the
11 document I've just placed before you?

12 A. What I have in my hand is a copy of my
13 resume or curriculum vitae. It lists where I went to
14 school, jobs I've held, papers I've published,
15 seminars I've presented, newspaper editorials and
16 articles I've written and boards and commissions
17 which I have been appointed to.

18 MS. ROBINSON: I'd like to have it marked
19 as SALAD deposition five.

20 (Thereupon, the above-referred to document
21 was marked as SALAD Exhibit 5 for
22 identification by the court reporter.)

23 (Whereupon, the deposition was concluded at
24 or about 12:30 p.m.)

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AND FURTHER DEPONENT SAITH NOT

DONALD JONES

SWORN TO AND SUBSCRIBED TO before me on this
day of , 1993, in the City of
Fort Lauderdale, Broward County, Florida.

Notary Public - State of Florida

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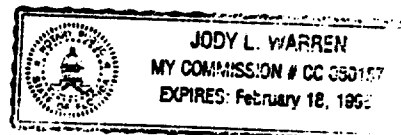
CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, the undersigned authority, certify that
DONALD JONES personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this
5th day of October, 1993.

JODY L. WARREN
Notary Public - State of Florida
My Commission Expires: 2/18/95



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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF BROWARD:

I, JODY L. WARREN, being a Shorthand Reporter
and a Notary Public for the State of Florida at
Large, do hereby certify that I was authorized to and
did stenographically report the foregoing deposition;
and that said transcript is a true record of the
testimony given by the witness.

I further certify that I am not an attorney or
counsel of any of the parties, nor a relative or
employee of any attorney or counsel connected with
the action, nor financially interested in the action.

Dated this 5th day of October, 1993.

JODY L. WARREN

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing certificate was acknowledged
before me this 5th day of October, 1993, by
Jody L. Warren, who is personally known to me.

Notary Public - State of Florida

Salpêtre

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of

MM Docket No. 93-75

TRINITY BROADCASTING OF FLORIDA,
INC.

BRCT-911001LY

For Renewal of License for
Television Station WHFT (TV)
Miami, Florida

GLENDAL E BROADCASTING COMPANY

BPCT-911227KE

633 South Federal Highway
Fort Lauderdale, Florida
September 13, 1993
Monday, 2:45 p.m.

DEPOSITION OF JOHNNIE McMILLIAN

Taken before Jody L. Warren, Shorthand
Reporter, Notary Public for the State of Florida at
Large, pursuant to Notice of Taking Deposition filed
in the above cause.

COPY

Federal Communications Commission

Docket No. 93-75 Exhibit No. S. 6

Presented by Thomson

Disposition { Identified **DEC 3-1993**
Received **DEC 3-1993**
Rejected

Reporter A. Welton

Date **DEC 3-1993**

1 APPEARANCES:

2
3 MULLIN, RHYNE, EMMONS & TOPEL
4 By: EUGENE F. MULLIN, ESQUIRE
on behalf of Trinity.

5 RONDA R. ROBINSON, ESQUIRE
6 on behalf of SALAD.
7
8
9

10 I N D E X

11 <u>Witness</u>	12 <u>Direct</u>	13 <u>Cross</u>
14 JOHNNIE McMILLIAN	3	4

16 <u>EXHIBITS</u>	
17 Trinity Exhibits 21 - 23	3
18 SALAD Exhibit 6	3

1 (Thereupon, Trinity Exhibits 21, 22
2 and 23 were marked for identification by
3 the court reporter.)

4 Thereupon:

5 JOHNNIE McMILLIAN

6 was called as a witness and, having been first
7 duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. ROBINSON:

10 Q. Could you give your name for the record?

11 A. My name is Johnny Ray McMillian.

12 Q. And your address?

13 A. My address is 2545 Northeast 214th Street,
14 Miami, Florida, 33180.

15 Q. Could you identify the document I'm now
16 placing in front of you.

17 A. Yes. This is a resume of my professional
18 and community involvement.

19 MS. ROBINSON: I'd like to have this marked
20 as SALAD Deposition Exhibit Number 6.

21 (Thereupon, the above-referred to document
22 was marked as SALAD Exhibit 6 for
23 identification by the court reporter.)

24 MS. ROBINSON: Your witness, Counselor.

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CROSS EXAMINATION

BY MR. MULLIN:

Q. Mrs. McMillian, we have marked for identification Trinity Exhibit 21 which is the notice of deposition that you received. I think your counsel has a copy of that. As Trinity Exhibit 22, your subpoena attached to which is your Declaration and we have marked as Trinity Exhibit Number 23, the Illustrative Programming On Channel 45 in the area of "Education/Schools".

I'm going to suggest, Miss Robinson, that she might want to work with my copy of that because my copy is paginated in the lower right-hand corner, if we have questions on that, and I'll use the reporter's copy.

Mrs. McMillian, just for my background, what is the Chapter 1 Program?

A. The Chapter 1 Program is a federally funded program. It was funded in 1965 by the then President Lyndon Johnson. The purpose of the program is to provide additional funding to school districts for students who are in need of additional assistance in the areas of reading and math.

Q. You have been concerned with the administration of that program in Dade County for how